THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 49 OF 2006

Dated 3rd January 2006

Between:

Y.Nagaraju S/o.Lae Y.Kabir Das,

…Petitioner

And

The Managing Director, Andhra Cements Ltd.,

Somajiguda, Hyderabad & another

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 49 OF 2006

O R D E R:

The petitioner was employed as Manager in M/s. Andhra Cements Limited, at Dachepally, Guntur District. Through proceedings, dated 8.4.2002, the Vice-president of the company, the second respondent herein, refused to extend the probation, and thereby, the petitioner stood terminated. Aggrieved by the said order, the petitioner raised the industrial dispute, being I.D.No.182 of 2003, before the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad. Through its award, dated 27.12.2004, the Labour Court rejected the I.D., holding that the petitioner is not a workman, within the meaning of Section 2(S) of the Industrial Disputes Act. The petitioner challenges the order of termination, dated 8.4.2002, in this writ petition.

It is not in dispute that the employer of the petitioner is a private limited company. It does not have the characteristics of State, within the meaning of Article 12 of the Constitution of India. Further, the petitioner does not complain of any violation of statutory provision. In that view of the matter, the writ petition is not maintainable.

The writ petition is accordingly dismissed. It shall, however, be open to the petitioner, to work out his remedies, in accordance with law. There shall be no order as to costs.

_____

3rd January 2006

PAN